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ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

**ALI SALEEM BEY and JOHN  
MUHAMMAD BEY,**

**Plaintiffs,**

**vs.**

**CITY OF OAKLAND, et al.,**

**Defendants**

**Case No.: 14-cv-01626-JSC**

**DECLARATION OF JOHN BEY IN  
SUPPORT OF PLAINTIFFS' REPLY  
BRIEF**

Hearing Date: March 29, 2018

Time: 2:00 p.m.

Courtroom: F

Location: 15th Floor

450 Golden Gate Ave.

San Francisco, CA

Judge: Honorable Jacqueline Scott Corley

I, John M. Bey, hereby declare:

1. Statements made throughout my Declaration demonstrate how involved I, along with Co-Plaintiff Ali Saleem Bey ("ASB"), have been in these cases beginning with the kidnap and murder of Waajid Bey in 2004. Additionally, through the many years that we have pursued relief in this matter we have spoken with many people inside and outside of Defendant OPD. Through those meetings and other evidence or information gathered or learned, we have actually come to know or have more knowledge than the average person with regard to OPD and its functions.

1 2. Since 2004, we've met with high ranking OPD officials and questioned or discussed  
2 specific matters with them; we have provided information to OPD that they did not know  
3 regarding the underlying cases. OPD could not even locate the case files in the underlying cases  
4 until I told them where they were. Only when my source was revealed to ASB was that  
5 information then shared with members of OPD chain of command and the IAD investigating Sgt.

6 3. In many cases either I or ASB have been able to shed light for high ranking OPD  
7 officials. We have met and spoken with and seen evidence from OPD and FBI, in addition to  
8 speaking with ATF Special Agents. We've spoken with the U.S. Attorney's office and were able  
9 to provide information that encouraged them to take more than just a passing interest in our  
10 claims.  
11

12 4. Either ASB or I have conducted investigations, written and read reports, had our reports  
13 represent our clients in court cases defending their own liability in civil matters. My knowledge  
14 of the underlying cases and close involvement also led former OPD Sgt. Brock to fax me a copy  
15 of part of my Police Report from within the OPD Administration Building in August 2005,  
16 before it was closed by Officer Raymond Sethna August 19, 2005, "Due to lack of investigative  
17 leads." I knew that statement was fraudulent when it was first brought to my attention on or  
18 about August 25, 2011 after OPD shared part of a "Case Notes" form filed by Officer Sethna.  
19 The actual document only came to my attention as one of three pages shared with me of the lost  
20 case file.  
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22 5. REDACTED REDACTED REDACTED REDACTED REDACTED  
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24 REDACTED REDACTED REDACTED REDACTED REDACTED  
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26 REDACTED REDACTED (Declaration of John Bey, February 15, 2018, ¶30)  
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1 6. As a result of that on me, my two school aged daughters did not go to school and my  
2 wife, mother and cousin all had to pack bags and flee from my family members' home of 30  
3 years in the Montclair Hills. Each of my children that I had kissed goodnight on June 16<sup>th</sup> next  
4 saw me late in the afternoon bloodied, cut and on crutches at "Uncle Saleem's" (ASB) house  
5 prior to going into hiding for the next several years. As we drove across the county to figure out  
6 what to do because we didn't want to put any more of our family members in harm's way, my  
7 daughters, all of a sudden, constantly saw mommy and daddy going outside to talk, whispering  
8 and on the phone a lot more than they were used to. My wife had to clean the wound which  
9 began at my lower back and went down into my buttocks daily so that it wouldn't get infected.  
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11 7. My enemies, as well as others, knew that the last person I was with in Oakland was ASB  
12 and he, now, was the last man standing and the next man up, Waajid was dead and I was in no  
13 shape to fight back at that time. My three daughters could no longer spend time with his two  
14 daughters at our manufacturing plant. Their entire lives, their fathers had always supported the  
15 family by working for themselves and by working closely together and because of this incident  
16 all their lives became affected.  
17

18 8. We eventually sought refuge and tried to lead a normal life until we could figure out what  
19 to do and how soon OPD would solve this case, since now we have a murder (Waajid) and an  
20 attempted murder that were connected (JMB). I continued to keep contact with OPD Sgt. Brock,  
21 Intelligence Officer Andre Rachal as well as FBI Agent Chris Brown supplying information. I  
22 would pull photos and evidence from online sources and share it with them to assist them in  
23 making this case. Between ASB and I we provided countless amounts of information and we  
24 reviewed information that law enforcement supplied us, but we soon recognized that it was never  
25 enough.  
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1 9. Meanwhile I had to face my wife who was snatched away from her family. She was very  
2 close to her immediate and extended family. We both had to seek counseling to try to deal with  
3 the Post Traumatic Stress Disorder (PTSD) symptoms. To this day, we all still bear emotional  
4 scars from the incident and denial of justice by the slipshod, at best, investigation, which was  
5 actually depraved. My security business suffered in that we could not grow as we planned  
6 because of the amount of negative attention that was prevalent locally and nationally, yet we  
7 were the victims. The business I shared with ASB suffered because he now had to wear all the  
8 hats and cover every detail. He was left in Oakland with numerous enemies who had showed no  
9 hesitation in using guns to try and make their point, which was total control of all businesses  
10 within our community. We were also putting together the fact that OPD and law enforcement  
11 were not operating with any sense of urgency. We could easily see that the child that OPD  
12 claimed was supposed to be a leader of us all, as a whacky cult like gang, were following. In  
13 fact, he worked not with us, but underneath our business roles was never even considered to be at  
14 supervisory level. That made it clearer to us that these boys were being enabled, if not  
15 encouraged to act out against us. There were cases of violence within the community and  
16 somehow OPD continued to tell us they just didn't have enough information to hold the main  
17 antagonist or revoke bail.

18 10. We hadn't recovered fully from the loss of Waajid and all appearances were that if we  
19 wanted to continue the legacy bakery business and continue his development project for the  
20 community and product repackaging plans, we had no choice but to go to war against the very  
21 people that OPD admitted were the only suspects in both, Waajid and my, crimes. The very plan  
22 we had for our business neighborhood in the Golden Gate District would soon be put into place  
23 throughout Oakland and we could not participate and we had no assets. At the time of Waajid's  
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murder in 2004 the collective worth of our assets was well over \$5 million and our tax liability was reduced to under \$200,000, due to his diligent work with the IRS. As a result of the violence and eventual law enforcement raid on August 2, 2008, we were then scattered from our religious homeland, lost our religious house and legacy building all in one.

11. We continually suffer a deep sense of loss, from our close associate and brother, Waajid, as well as the camaraderie of working with family, friends and like-minded people in harmony. We have been forced, at various times during this past decade, to work all sorts of task oriented jobs that, while honest work, are not conducive to the type of endeavors that we are capable of accomplishing. Because the investigation of IAD case #13-1062 remains incomplete, that means the underlying crimes are similarly incomplete. Based on that fact, several of the attackers in my case and many of those involved in the kidnap, murder with disfigurement, wrapping his body in plastic and duct tape then digging a makeshift grave and dumping Waajid's body in that hole, we have no way of knowing exactly who is still around and also who, themselves, is still alive that we have to be concerned about. Based on the fact that OPD IAD admitted

### **RELIEF SOUGHT**

#### **A. APPOINTMENT OF SPECIAL INDEPENDENT INVESTIGATOR**

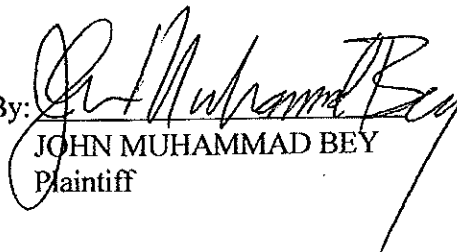
1. We are requesting the equity of a non-biased Independent Investigation of IAD complaint No.13-1062 and underlying criminal cases.
2. Appropriate Judicial action based on the findings of the Independent Investigation IAD complaint No.13-1062 and underlying criminal cases.

#### **B. INDEPENDENT INVESTIGATION OF IAD 13-1062 AND ALL UNDERLYING CASES INCLUDING WAAJID BEY MURDER, JOHN BEY ATTEMPTED MURDER, AND ALI BEY IAD COMPLAINT 07-0538.**

1 I declare under the penalty of perjury that the under the laws of the United States of  
2 America that the foregoing is true and correct, except those matters stated on information and  
3 belief, and as to those matters I believe them to be true.  
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8 Dated: March 9, 2018  
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RESPECTIVELY SUBMITTED  
LAW OFFICES OF BONNER & BONNER

10  
11 By:   
12 JOHN MUHAMMAD BEY  
13 Plaintiff  
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